

1
2
3
4
5 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 ANTHONY EUGENE LEWIS,

8 Plaintiff,

9 v.

10 CITY OF SEATTLE, et al.,

11 Defendants.

Case No. C07-1517MJP

ORDER ON PLAINTIFF'S MOTION FOR
CERTIFICATE OF APPEALABILITY
AND MOTION TO APPOINT
ARBITRATOR

12 This matter comes before the Court on two motions presented by Plaintiff. Having
13 reviewed the motions and all pertinent documents in the record, the Court finds and orders as
14 follows:

- 15 1. Plaintiff's motion for a certificate of appealability under 28 U.S.C. § 1292(b) (Dkt. No.
16 110) is DENIED. The statute allows for interlocutory appeal from an order the district
17 judge believes "involves a controlling question of law as to which there is substantial
18 ground for difference of opinion and that an immediate appeal from the order may
19 materially advance the ultimate termination of the litigation." 28 U.S.C. § 1292(b).
20 Plaintiff does not point to a disputed question of law, but seeks to appeal the "sufficiency
21 of the evidence." (Dkt. No. 110 at 4.) In addition, an interlocutory appeal at this time
22 would only encourage piecemeal litigation and would not "materially advance the ultimate
23 termination" of this suit.
- 24 2. The Court requests a response from Defendants on Plaintiff's motion to appoint an
25 arbitrator. (Dkt. No. 109.) If the parties agree, the Court may request that a Magistrate
Judge conduct a telephonic settlement conference. The Court requests Defendants file

1 their response by July 7, 2009. Plaintiff's reply, if any, shall be due on July 13, 2009.

2 Plaintiff's motion will be noted for consideration on July 13, 2009.

3 It is SO ORDERED. The Clerk is directed to transmit a copy of this order to all counsel
4 of record and mail a copy to Plaintiff.

5 DATED: June 25, 2009.

6
7 

8 Marsha J. Pechman
9 United States District Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25